

Appln No. 10/627,581

Amdt date December 27, 2004

Reply to Office action of August 27, 2004

**Amendments to the Drawings:**

The attached sheets of drawings include changes to Figures 1 - 3, 4A - 4C and 5 - 8. These sheets, which include Figs. 1 - 3, 4A - 4C and 5 - 8, replace the original sheets including Figs. 1 - 3, 4A - 4C and 5 - 8.

Attachment: Replacement Sheets

Annotated Sheets Showing Changes

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**REMARKS/ARGUMENTS**

In the Office action dated August 27, 2004 the Examiner objected to the drawings and rejected claims 1 - 4 under 35 U.S.C. §§ 102 and 103. By this amendment Applicant has amended Figures 1 - 3, 4A - 4C and 5 - 8 and requests reconsideration of the rejection of the claims.

Request for Acknowledgment of Information Disclosure Statement

Applicant submitted an Information Disclosure Statement including the cited reference to the U.S. Patent Office on July 24, 2003. To date, Applicant has not received an acknowledgement that the Information Disclosure Statement was considered by the Examiner. For the Examiner's convenience, a copy of the transmittal form and the FORM PTO/SB/08A/B for this Information Disclosure Statement is attached as Appendix B to this Amendment. Applicant requests that an initialed copy of the FORM PTO/SB/08A/B be entered in the application file and returned to Applicant with the next communication from the Office in accordance with MPEP § 609.

Applicant's Response to the Objections to the Drawings.

The Examiner objected to Figure 1 because boxes 11 and 14 did not include labels. Applicant has amended box 11 to recite "oscillator circuit" and has amended box 14 to recite "receiver circuit." Applicant submits that no new matter has been added by this amendment. This amendment is supported, for example, by the specification at page 1, lines 14 - 17.

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The Examiner objected to Figures 1 - 3, 4A - 4C and 5 - 8 on the grounds that they should be labeled as "prior art." Applicant has amended these Figures as suggested.

The amendments to the drawings are shown in RED in the annotated drawings provided in Appendix A. Applicants also have provided a corresponding set of replacement drawings in Appendix A.

Applicant's Response to the Section 102 Rejection

Claims 1 and 3 were rejected under 35 U.S.C. § 102 as being anticipated by Yaacov et al., U.S. Patent No. 5,237,330 (referred to hereafter as "Yaacov"). Claim 1 is independent. Applicant respectfully submits that Yaacov does not disclose all of the limitations of claim 1.

In the apparatus of claim 1 "an oscillating output, from a gate of an FET" is "transmitted from" "a transmit-receive antenna", and "a wave, transmitted from said antenna and returned as a reflected wave, is received at said gate." Thus the same gate of the FET may transmit the oscillating output and receive the reflected wave. As a result, in some embodiments the constitution of the detection apparatus may be relatively simple and compact, and the cost of the apparatus reduced.

In contrast, in Yaacov, a dielectric resonating oscillator (DRO) 10 incorporates an FET and a dielectric resonator 13 serves as a transmitting antenna. Here, the transmitter and receiver are provided separately as illustrated in Figure 1 and Figure 2A. Therefore, Yaacov does not disclose all of the technical features of claim 1 including "an oscillating output

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from a gate of an FET" is "transmitted from said antenna" and "a reflected wave, is received at said gate."

In view of the above, Applicant respectfully submits that independent claim 1 is not anticipated by Yaacov. Claim 3 that depends on claim 1 also is patentable over the Yaacov for the reasons set forth above. In addition, claim 3 is patentable over these references for the additional limitations that it contains.

Applicant's Response to the Section 103 Rejection

Claims 2 and 4 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Yaacov and Matsui et al., U.S. Patent No. 5,450,040 (referred to hereafter as "Matsui"). Both of these claims depend on independent claim 1. Applicant respectfully submits that the cited references do not disclose all of the limitations of claim 1.

For reasons similar to those discussed above in conjunction with the rejection under section 102, Yaacov does not teach or suggest all of the limitations of claim 1. Matsui also fails to disclose these limitations. Consequently, even assuming there was sufficient motivation and teaching to combine these references in such a manner that provides the claimed invention (which there is none), the combination does not teach or suggest the invention of claim 1.

In view of the above, Applicant respectfully submits that independent claim 1 is not obvious in view of the cited references. Claims 2 - 4 that depend on claim 1 also are patentable over the cited references for the reasons set forth

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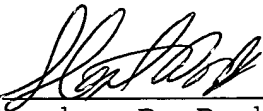
above. In addition, these dependent claims are patentable over these references for the additional limitations that these claims contain.

#### CONCLUSION

In view of the above amendments and remarks it is submitted that the claims are patentably distinct over the cited references and that all the objections to the drawings and the rejections of claims have been overcome. Reconsideration and reexamination of the above Application is requested.

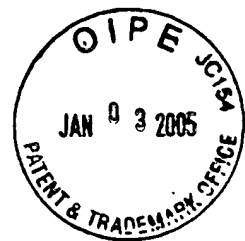
Respectfully submitted,

CHRISTIE, PARKER & HALE, LLP

By   
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Stephen D. Burbach  
Reg. No. 40,285  
626/795-9900

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Fig.1

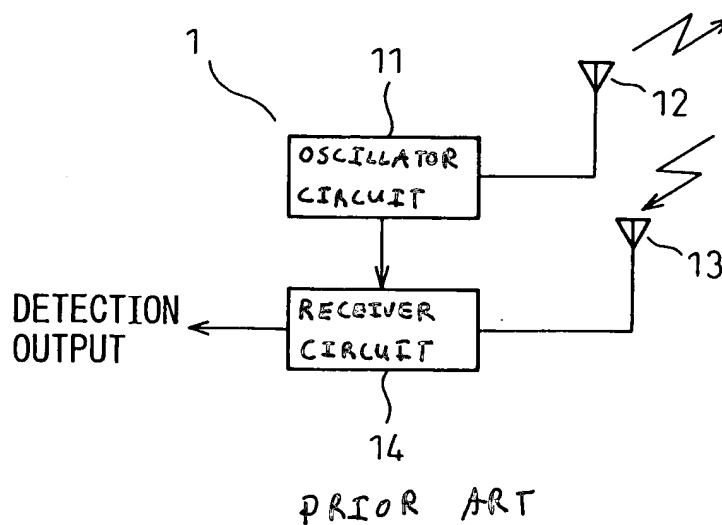
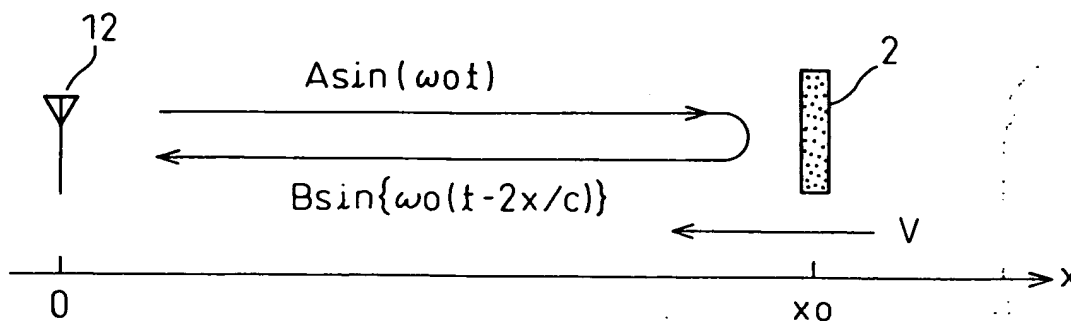


Fig.2

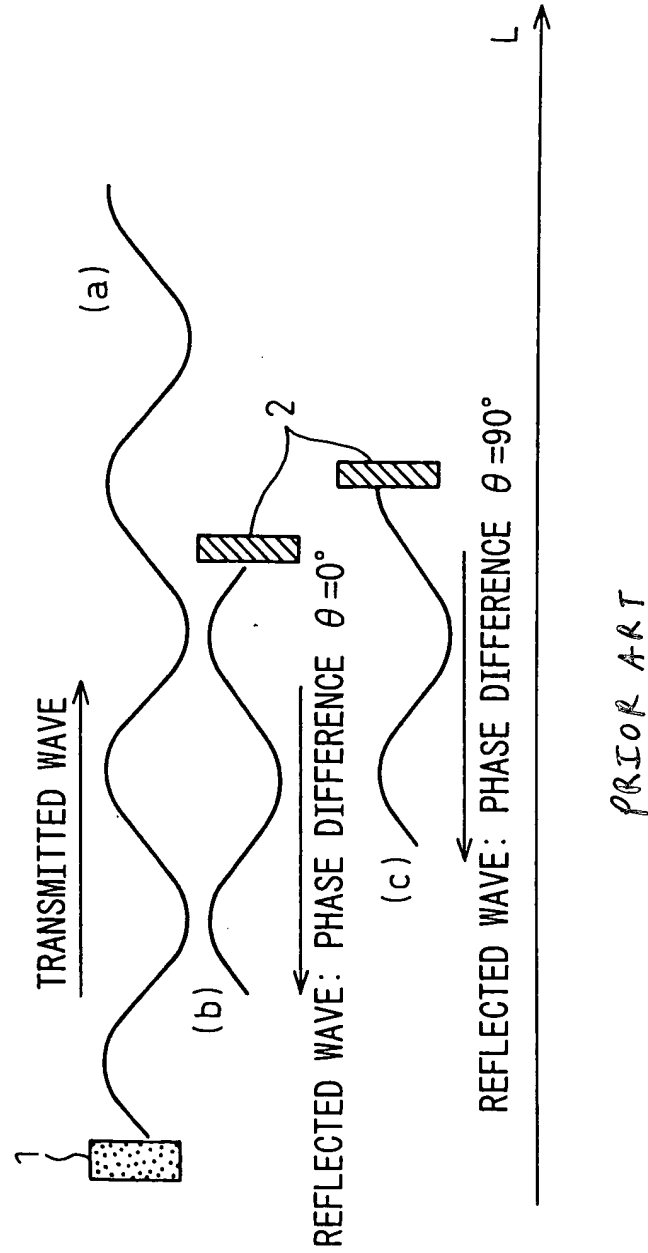


PRIOR ART

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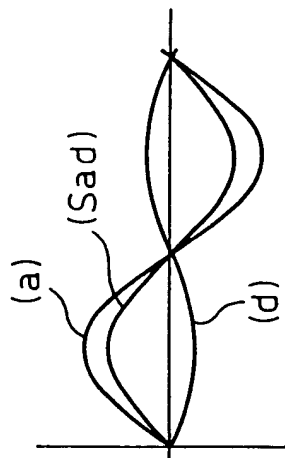
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Fig.3



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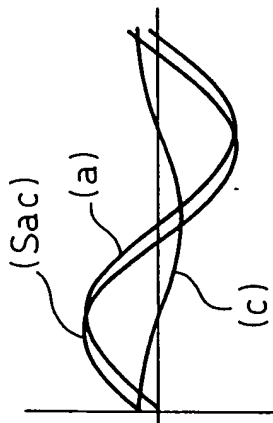
Fig.4C



WHEN PHASES ARE  
 OPPOSITE EACH OTHER  
 ( $\theta = 180^\circ$ )  
 AMPLITUDE OF  
 SUPERIMPOSED WAVE  
 BECOMES SMALL

PRIOR ART

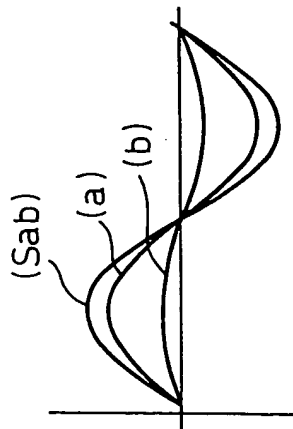
Fig.4B



OUT OF PHASE  
 ( $\theta = 90^\circ$ )

PRIOR ART

Fig.4A



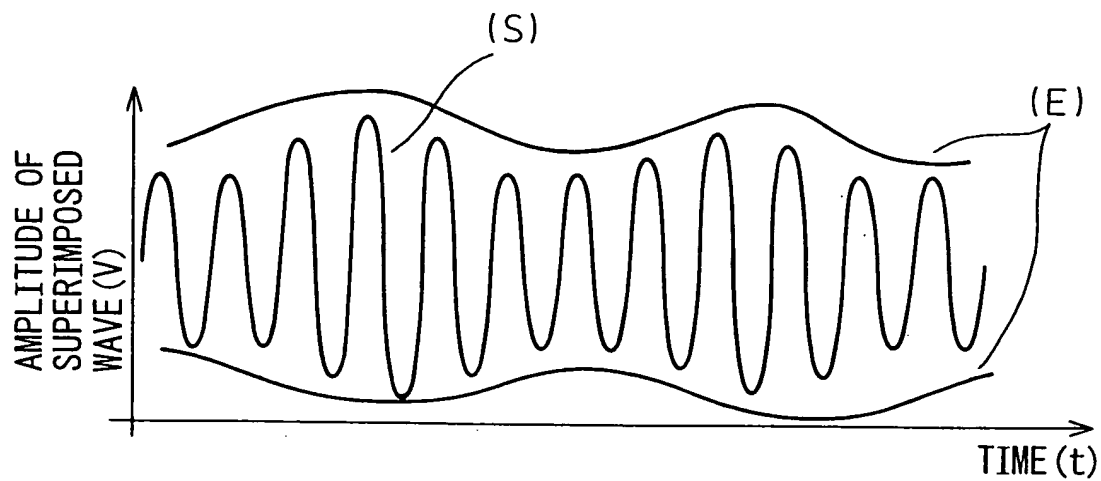
IN PHASE  
 ( $\theta = 0^\circ$ )

PRIOR ART



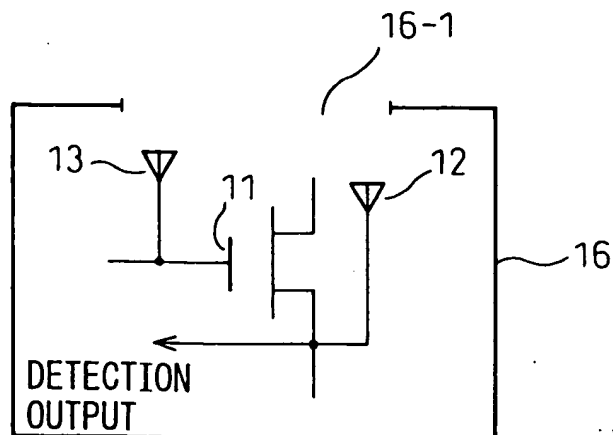
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Fig.5



PRIOR ART

Fig.6

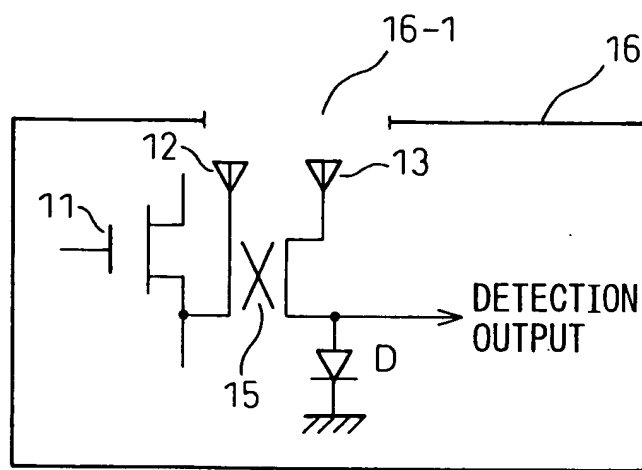


PRIOR ART

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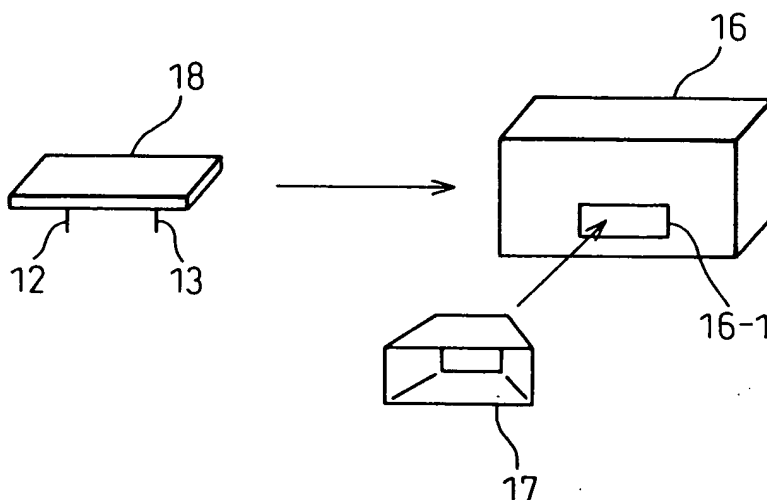
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Fig.7



PRIOR ART

Fig.8



PRIOR ART

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**EXPRESS MAIL NO. EV351234802US**

Applicant : Choichiro Tsuchihashi, et al.  
Application No. : N/A  
Filed : July 24, 2003  
Title : MOVING OBJECT DETECTION APPARATUS  
Grp./Div. : N/A  
Examiner : N/A  
Docket No. : 50812/DBP/A400

**INFORMATION DISCLOSURE STATEMENT  
37 CFR § 1.97(b)**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450


PostOffice Box 7068  
Pasadena, CA 91109-7068  
July 24, 2003

Commissioner:

In compliance with the duty of disclosure under 37 CFR §§ 1.56, 1.97 and 1.98, and in accordance with the provisions in the Manual of Patent Examining Procedure §§ 609 and 707.05(b), enclosed is FORM PTO/SB/08A/B listing a reference that is known to applicant. A copy of the listed reference is enclosed. This filing is timely because it is made during one of the periods described in 37 CFR § 1.97(b).

It is respectfully requested that the listed reference be considered in the examination of this application and identified on the list of references cited on the patent issuing for this application. Applicant also requests that an initialed copy of FORM PTO/SB/08A/B be entered in the application file and returned to applicant with the next communication from the Office in accordance with MPEP § 609.

Respectfully submitted,  
CHRISTIE, PARKER & HALE, LLP

By   
D. Bruce Prout  
Reg. No. 20,958  
626/795-9900

DBP/aam  
Enclosures: Form PTO/SB/08A/B, w/reference  
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FORM PTO/SB/08A/B (10-01) Substitute for PTO-1449A/B	<b>Attorney Docket Number</b>	<b>50812/DBP/A400</b>
<b>INFORMATION DISCLOSURE</b>  <b>STATEMENT BY APPLICANT</b>  (use as many sheets as necessary)	Application Number	N/A
	Filing Date	July 24, 2003
	Applicant(s)	Choichiro Tsuchihashi, et al.
	Group Art Unit	N/A
	Examiner Name	N/A -

U.S. PATENT DOCUMENTS				
EXAMINER INITIALS	Cite No. <sup>1</sup>	DOCUMENT NUMBER Number - Kind Code <sup>2</sup> (If Known)	Publication Date MM-DD-YYYY	Name of Patentee

FOREIGN PATENT DOCUMENTS					
EXAMINER INITIALS	Cite No. <sup>1</sup>	FOREIGN PATENT DOCUMENT Country Code <sup>3</sup> - Number <sup>4</sup> - Kind Code <sup>5</sup> (If Known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	T <sup>6</sup> ( ✓ )
		JP 2000-31703	01-28-2000	Hiratsuka Toshiro, et al.	Patent Abstract of Japan

OTHER DOCUMENTS		
EXAMINER INITIALS	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article, title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.
		Patent Abstract of Japan, Publication number 2000031703 A, Published on 01-28-2000, in the name of Hiratsuka Toshiro, et al.

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EXAMINER SIGNATURE	DATE CONSIDERED
<b>EXAMINER:</b> Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kinds Codes of USPTO Patent Documents at www.pto.gov or MPEP 901.4. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. <sup>6</sup> Applicant is to place a check mark here if English Language Translation is attached.	

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